

Sec. 32. Notwithstanding Section 1, Article II, of this constitution, the legislature may:

(1) require a court in which a party to litigation files a petition, motion, or other pleading challenging the constitutionality of a statute of this state to provide notice to the attorney general of the challenge if the party raising the challenge notifies the court that the party is challenging the constitutionality of the statute; and

(2) prescribe a reasonable period, which may not exceed 45 days, after the provision of that notice during which the court may not enter a judgment holding the statute unconstitutional.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies with respect to the constitutional amendment proposed by the 85th Legislature, Regular Session, 2017, authorizing the legislature to require a court to provide notice to the attorney general of a challenge to the constitutionality of a state statute and authorizing the legislature to prescribe a waiting period, not to exceed 45 days, before the court may enter a judgment holding the statute unconstitutional.

(b) Section 402.010, Government Code, as added by Chapter 808 (H.B. 2425), Acts of the 82nd Legislature, Regular Session, 2011, and amended by Chapter 1162 (S.B. 392) and Chapter 1276 (H.B. 1435), Acts of the 83rd Legislature, Regular Session, 2013, is validated and effective on approval of the constitutional amendment described by Subsection (a) of this temporary provision and applies only to a petition, motion, or other pleading filed on or after January 1, 2018.

(c) This temporary provision expires January 2, 2018.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 7, 2017. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing the legislature to require a court to provide notice to the attorney general of a challenge to the constitutionality of a state statute and authorizing the legislature to prescribe a waiting period before the court may enter a judgment holding the statute unconstitutional."

Adopted by the Senate on May 1, 2017: Yeas 30, Nays 1; adopted by the House on May 23, 2017: Yeas 136, Nays 9, two present not voting.

Filed with the Secretary of State May 25, 2017.

## PROPOSING A CONSTITUTIONAL AMENDMENT LIMITING THE SERVICE OF CERTAIN OFFICEHOLDERS AFTER THE EXPIRATION OF THE PERSON'S TERM OF OFFICE

### S.J.R. No. 34

#### A JOINT RESOLUTION

proposing a constitutional amendment limiting the service of certain officeholders  
after the expiration of the person's term of office.

*BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:*

SECTION 1. Section 17, Article XVI, Texas Constitution, is amended to read as follows:

Sec. 17. (a) Except as provided by Subsection (b) of this section, all [AH] officers of [within] this State shall continue to perform the duties of their offices until their successors shall be duly qualified.

(b) Following the expiration of a term of an appointive office that is filled by appoint-

ment of the Governor with the advice and consent of the Senate and that is not an office for which the officer receives a salary, the period for which the officer shall continue to perform the duties of office under Subsection (a) of this section ends on the last day of the first regular session of the Legislature that begins after the expiration of the term.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 7, 2017. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment limiting the service of certain officeholders appointed by the governor and confirmed by the senate after the expiration of the person's term of office."

Adopted by the Senate on April 20, 2017: Yeas 31, Nays 0; adopted by the House on May 23, 2017: Yeas 142, Nays 4, two present not voting.

Filed with the Secretary of State May 25, 2017.

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**RESCINDING CERTAIN APPLICATIONS MADE BY THE  
TEXAS LEGISLATURE TO THE UNITED STATES CONGRESS  
TO CALL A NATIONAL CONVENTION UNDER ARTICLE V OF  
THE UNITED STATES CONSTITUTION FOR PROPOSING ANY  
AMENDMENT TO THAT CONSTITUTION**

**S.J.R. No. 38**

**A JOINT RESOLUTION**

rescinding certain applications made by the Texas Legislature to the United States Congress to call a national convention under Article V of the United States Constitution for proposing any amendment to that Constitution.

***BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:***

WHEREAS, Over the years, the Texas Legislature has approved resolutions officially applying to the Congress of the United States to call a convention, under the terms of Article V of the Constitution of the United States, to offer various amendments to that Constitution; and

WHEREAS, While no Article V amendatory convention has yet taken place thus far in American history, nevertheless, there is a very real possibility that one, or more than one, could be triggered at some point in the future; and

WHEREAS, Regardless of their age, such past applications from Texas lawmakers remain alive and valid until such time as they are later formally rescinded; now, therefore, be it

RESOLVED, That the 85th Legislature of the State of Texas, Regular Session, 2017, hereby officially rescinds, repeals, revokes, cancels, voids, and nullifies any and all applications from Texas legislators prior to the 85th Legislature, Regular Session, 2017, other than the application provided by H.C.R. No. 31, Acts of the 65th Legislature, Regular Session, 1977, that apply to the United States Congress for the calling of a convention, pursuant to Article V of the United States Constitution, regardless of how old such previous applications might be, and irrespective of what subject matters such applications pertained to; and, be it further

RESOLVED, That the 85th Legislature of the State of Texas, Regular Session, 2017, hereby declares that any application to the United States Congress for the calling of a convention under Article V of the United States Constitution that is submitted by the Texas Legislature during or after this Regular Session shall be automatically rescinded, repealed, revoked, canceled, voided, and nullified if the applicable convention is not called on or before the eighth anniversary of the date the last legislative vote is taken on the application; and, be it further